

TOWNSITE CO. LOSES  
IN PATENT APPEAL

Court of Appeals Sustains  
Secretary Lane in Indian  
Land Case.

The District Court of Appeals, in an opinion by Justice Van Orsdel, today reversed the judgment of the District Supreme Court and directed the dismissal of a petition for mandamus against Franklin K. Lane, Secretary of the Interior. The proceedings were instituted in the lower court by the Duncan Townsite Company to compel the issuance of a patent for certain lands in Oklahoma to Nicholas J. Alberson, a deceased Chickasaw Indian.

The Indian's name was placed by the Dawes commission on a partial list of members by blood of the Chickasaw nation. The list was approved by the then Secretary of the Interior, December 12, 1902. A stipulation between the United States and the Indians provided that the rolls should contain only the names of persons living September 25, 1902. It was admitted that Alberson died prior to that date.

An administrator of the dead Indian selected the lands in controversy as part of the allotment to which Alberson, if alive, would have been entitled. The petitioners acquired the interests of the heirs of Alberson and sought to assert their rights as an innocent purchaser.

In January, 1908, the attention of the department being called to the death of the Indian, the Secretary of the Interior declared him not entitled to the land, withheld the patent and has since allotted the land to other parties.

**Question of Fraud Involved.**  
"It may well be that only the ministerial duty," says Justice Van Orsdel, "remains in the Secretary of the Interior of issuing a patent where the allotment certificate has been lawfully procured and no question of fraud is involved. But a different situation is presented where, as in the present case, Alberson, the allottee, was not in existence on September 25, 1902, and was, therefore, not entitled to participate in the allotment of the tribal property."

That it is within the supervisory power of the Secretary of the Interior to withhold the issuance of a patent for public lands when he is satisfied that

## MUTT AND JEFF—Jeff Had a Pretty Good Hand—He Had Four Kings.

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the final certificate has been procured by fraud is well settled. The court points out that to sustain the contention of the company would compel the Secretary to perpetuate a fraud to do an unlawful act—to issue a patent to a person who, for the purpose of this case, never had any legal existence.

Attention is also called to the fact that the rights of an innocent purchaser cannot be determined on a mandamus hearing, and whatever right the company may have to assert its claim of innocent purchaser in a court of competent jurisdiction or to defend in an action by the government to cancel the certificate of allotment, it is not entitled to a mandamus.

**Winter Cruising Orders of Coast Guard Cutters**

Shift of Officers Commanding Vessels Ordered—Itasca Going to Porto Rico.

Within two weeks orders to commanding officers of coast guard cutters, instructing them to make ready for winter cruising, will be sent out. When the usual cruising orders were sent out last fall the coast guard did not exist in its present form, but as the revenue cutter service and the life-saving service. The amalgamation of these humanitarian services is expected to make the work more efficient.

At the request of naval officials the Miami was sent to Havana to aid the disabled torpedo boat Mackenzie to Key West. The Miami, conveyed the Mackenzie, traveling under her own power for half the way. In the gulf stream weather conditions became nasty and the Mackenzie was brought under the lee of the cutter and finally taken in tow to her destination.

The cutter Itasca, which is to replace the cutter Mohawk, she will at once leave for her destination. On arrival of the Itasca at San Juan, Puerto Rico, station, the cutter Yamacraw will go to the depot at Curtis bay, Md., for overhauling, preparatory for winter cruising.

**Shift of Captains.**  
Changes will shortly be made in the commanding officers of several cutters, both on the Atlantic and Pacific coasts. Capt. Harry Hamlet, now in command of the Unalga, on the north Pacific station, is ordered to the depot at Arundel Cove, Md. He will be succeeded by Capt. F. C. Dodge, in command of the cutter Manning, at San Francisco.

Capt. S. B. Winram, preparatory orders to Manning. First Lieut. H. R. Searles, preparatory orders to Manning. First Lieut. C. F. Howell, detached to the cutter Mohawk, to Manning.

**Addresses Colored Y. W. C. A.**  
Dr. Marie B. Lucas, formerly a public school teacher in this city, delivered an address before the Young Women's Christian Association, colored, yesterday afternoon on "The Correlated Action of the Lungs, Kidneys and the Skin." In the lecture room of the new home of that organization, 5th and T streets northwest. Dr. Lucas has been on the staff of physicians at Freedmen's Hospital about a year, and is assigned to the children's clinic, where there was a special department for the treatment of children's diseases.

**Course of Lectures on Theosophy.**  
A course of five lectures on theosophy is to be inaugurated tonight by L. W. Rogers of Los Angeles at the hall of the Washington Theosophical Society, 1216 H street northwest. The topics of the lectures, as announced, are "The Living Dead," "Reincarnation," "The Laws of Destiny," "The Inspired Life" and "Lords of the Law." Tonight's lecture is to begin at 8:15 o'clock.

Mr. Rogers is a national lecturer of the Theosophical Society, and is the author of a number of books on various phases of theosophy.

INTERCLUB CHESS  
BOOKED SATURDAY

W. C. and W. Club to Meet Baltimore Organization Here in Big Match.

BORIS KOSTICS TO GIVE EXHIBITIONS THURSDAY

Noted Master Comes to Washington for Two-Day Visit—Roberts Leads.

The Baltimore Chess Association has accepted the challenge of the Washington Chess and Whist Club for a team match on from ten to twelve boards to be played in the local club rooms Saturday evening, November 6. During the past twenty-five years eighteen matches have been contested between these two clubs, the score standing square at 9 to 9, so the fight to gain the lead in the present match is sure to bring out the strongest players and the best efforts of both organizations. Local chess fans are cordially invited to witness this event.

As a preliminary to the inter-city match Saturday, Boris Kostics, the celebrated blindfold expert, will appear before the Washington Chess and Whist Club in exhibition work, Thursday and Friday. These entertainments will be open to the public, and play will start promptly at 8 o'clock each evening. Mr. Kostics makes a charge of \$1 a board for ordinary simultaneous play, and \$2 a board for blindfold play. Efforts will be made to pull off a short match between the two clubs, either Mr. Fox or Mr. Whitaker during Thursday and Friday afternoons.

The proposed match for the "combination chess and checker championship of the United States" between Nevell S. Banks, checker champion, and Frank Marshall, chess champion, brings to mind the apt criticism applied to one of our celebrated athletes, "as an actor he was an excellent pitcher." Marshall could easily accumulate ten goose eggs at checkers, and Banks just as easily draw the match by dropping the ten games of chess. However, the prospect opened up by this innovation is row to the degree of scintilla. Think of the possibilities of a match for the combined chess and heavyweight prize fighting championship of the country.

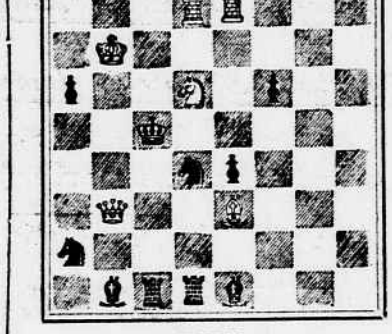
Roberts took the lead in class A in the Capital City Chess and Checker Club tourney last week, when Ballou lost while Roberts was winning. The standing of the players follows:

Roberts	W.	L.	Peet	W.	L.
Ballou	3	1	Ray	0	1
Adams	2	1	Gwyer	0	1
Pasch	1	2	Chase	0	2

The Home Club team is scheduled to play a match with the Georgetown club Friday evening at the Home Club rooms. A match scheduled at the Home Club, to be played Friday, November 12, is that between Agriculture and Interior. Following the series of games at the Vienna opening, played recently by the interned Russian masters, a similar trial of the king's bishop's gambit was made. Following is one of these games with notes by Amos Burn in the Field:

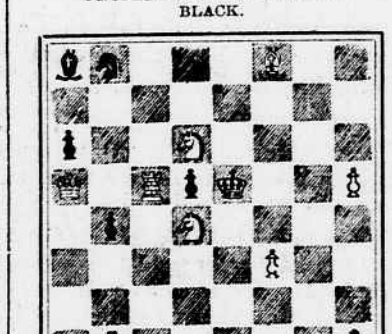
with the better pawn position for the end game. (S) A boy's play given by N. Smith.

PROBLEM BY S. CALLENDER. BLACK.



WHITE. Write to play and mate in two moves. 1. Q-Q4.

PROBLEM BY S. H. THOMAS. BLACK.



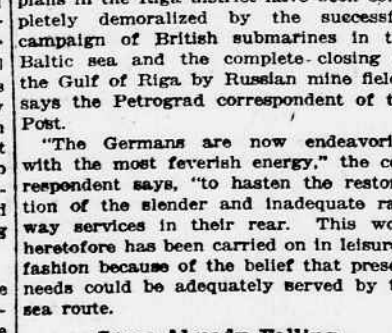
WHITE. Write to play and mate in three moves. 1. Q-Q4.

PROBLEM BY S. H. THOMAS. BLACK.



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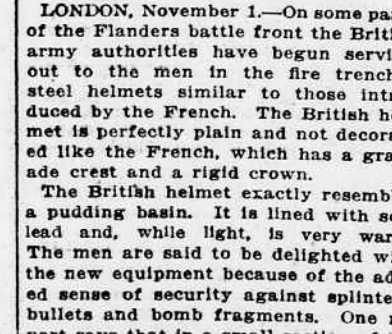
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DR. MCKIM WARNS  
CHURCH BISHOPS

Five Resignations From P. E. Mission Board Made Subject of Sermon.

COMMENT ON REASONS FOR THE ACTION TAKEN

Position of the Retiring Members Is Explained in Statement by Bishop Weller.

"Today, under a solemn sense of duty to the church of God, I warn you against the party that would revolutionize our church by destroying its Protestant character."

Such was the statement made yesterday by Rev. Dr. Randolph H. McKim, in his morning sermon at the Church of the Epiphany, in which he took issue with five dignitaries of the church who resigned from the Episcopal board of missions at its quarterly meeting held in New York last week, because they could not agree with the plan of the board to send delegates to the Panama Interdenominational missionary congress to be held in February.

**Object of the Congress.**

Dr. McKim explained the purpose of the "Panama congress" thus: "It is a conference of Christian people of various different churches for the purpose of studying social and moral conditions in Latin American countries in order to prosecute moral, intellectual, religious, educational and social work in those countries. The preparation for the congress has been made under the direction of such

splendid leaders as John R. Mott and Robert E. Speer, and a comprehensive study of the fundamental facts of Latin American life has been undertaken. Eight commissions have been entrusted with this preparatory study. They are composed of 215 persons—Latin Americans, North Americans and Europeans.

"These reports are being sent to experts in all these countries for search and criticism. After revision, in the light of these criticisms, the eight reports will be sent to the delegates and published, following the congress, in three large volumes making, we hope, a real contribution to the limited literature which undertakes a fair, sympathetic and accurate statement of the deeper things of Latin American life."

**Conference on Missionary Work.**

Coming to the point of the assertions that have been made by opponents of Episcopal participation to the effect that the congress involves an insult to the Church of Rome, and that it is a violation of the conference, Dr. McKim said: "The Panama congress is not organized for legislation on ecclesiastical questions, or even on that of a missionary policy, but for the honest investigation of the problems of missionary work in Latin America, and for full brotherly conference as to how the needs of Latin America can be most effectively met by the gospel of the Christ."

"It is not true that the predominant note in the Congress will be anti-Roman."

"It is not true that the Roman Catholic Church is excluded from the congress."

"It is not true that the purpose of the congress is to proselyte members of the Roman Catholic Church."

"With this understanding of the spirit and the purpose and the character of the Panama congress," said Dr. McKim, "I think you will agree with me that it was wise and right and Christian for the board of missions to vote to send delegates to attend the conference."

**Sentiment Against Rescinding.**

"I rejoice, therefore, and I believe you will rejoice with me, that at the meeting of the board Tuesday last the proposition to rescind the action taken in May, when it was decided to send delegates to the said congress, was overwhelmingly defeated by a vote of 26 to 12—two to one. It is, however, a painful fact that upon such a proposition—so wise, so reasonable, so Christian—there should have been a unanimous sentiment in our board."

As to the grounds upon which this important action was taken, when it was opposed, there was no unanimity. Some

evidently voted to rescind the action upon grounds of expediency—because of the bitter opposition of a portion of the church.

"Others evidently voted upon a complete misinterpretation of the spirit and purpose of the said congress, although it almost passes comprehension that any one could have been in doubt what the real spirit and purpose of the congress is. A few—and they are the leading spirits in the opposition, the men who displayed extraordinary bitterness to any acknowledgment that this church is based upon Protestant principles."

**Sees Danger of Church Revolution.**  
"Today, under a solemn sense of duty to the truth of God, I warn you against the party that would revolutionize our church by destroying its Protestant character."

Strongly upholding the resolution of the board of missions to send delegates to the Panama congress, Dr. McKim made the following affirmations: "I beg you to observe," he said, "that this attempt to deny the Protestant character of our beloved church is something of an alien and recent origin. Not until the middle of the nineteenth century did such an idea begin to be promulgated, and only within the last generation has it obtained any considerable adherence in our church."

"Let me reiterate, then: This is not, as the newspapers have said, an 'Episcopal split on fighting the Pope'; the issue involved is quite different from that—that is whether the principles of the reformation and the doctrines of our prayer book shall be overthrown by this anti-Protestant movement in our midst."

"Twenty years ago I warned you of a counter reformation agitation in our church. Four years ago I called you to battle against the effort to blot out the Protestant name of this church. Today, under a solemn sense of duty to the truth of God, I warn you against the party that would revolutionize our church by destroying its Protestant character."

Bishop Alfred Harding of Washington who resigned last week when the quarterly meeting of the board of missions refused to rescind the resolution adopted last May to participate in the Panama congress. Seven delegates were elected to attend the congress.

**Members Who Resigned.**

The five members who tendered their resignations at that time were Bishop H. Weller, Fond du Lac, Wis.; Bishop G. Mott, Williams, Marquette, Mich.; Bishop Alfred Harding, Washington, D. C.; Rev. Dr. Selden P. Delany, Milwaukee, and Rev. Dr. William T. Manning, New York city.

The position of the five men who resigned, which is said to be upheld by many in the church, including the mid-western synod, was voiced by Bishop Weller in New York Wednesday, when, according to an Associated Press dispatch, he said:

"We resigned as a protest against the board of foreign missions participating in the Panama congress."

"We feel that the action of the board does not represent the majority sentiment of the Protestant Episcopal Church for the general convention, the house of bishops and house of deputies, in 1912, refused by a large vote to give the board of missions authority to officially participate in international conferences for other congresses."

The other question at issue is not merely that the Protestant Episcopal Church does not wish to join in the congress just because the Roman Catholic Church has declined to participate, but that we believe participation under such conditions would be a terrific blow against all hope of Christian unity."

**Occupies a Middle Ground.**

"For several centuries the Episcopal Church has stood as the middle ground or interpreter between the Roman Catholic Church and Protestant denominations. The ability of our church to act in this capacity is the sole hope for Christian unity, however far off that end may be at present. I feel that if we participate in the Panama congress a chasm will be opened between the Roman Catholic Church and Protestant denominations which can never be spanned."

"However determined the present controversy may be, it will not affect the unity of the Protestant Episcopal Church. But we dissenters are prepared to wage a hard contest, even to securing a special meeting of the house of bishops, if necessary, to prevent participation."

**Epizootic Reappears in Illinois.**

In regard to the recent reappearance of northern Illinois of the foot and mouth epizootic after it apparently had been stamped out early in the year, the Department of Agriculture has issued an official statement from which it appears that the outbreak has been definitely traced to an anti-rabies serum.

The blood of hogs infected with the foot and mouth disease, but showing at the time it was captured no symptoms of the contagion.

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## \$1000.00 Reward!

"MISSING!—George Warham offers a reward of \$1000.00 for information as to the whereabouts of Mrs. Susan Ferguson, nee Susan Lenox, his young niece."

Susan Lenox was forced by her uncle to marry a brutal farm hand. After the first night with him she fled, finding safety with a troupe of river actors. Now the words of that fateful newspaper paragraph seemed to threaten her security and imperil her future.



**"The Story of Susan Lenox, Her Fall and Rise"**

**You Must Read This Story**  
The heroine is depicted as an illegitimate child, and the purpose of the fiction is to show the unhappy birth, Susan, beautiful and intelligent, is admitted, but shunned by the whole village. She loves Sam Wright, a rich college boy. The village gossip about their attachment prompts Susan to run away to Cincinnati. Her uncle finds her, insists she has gone the way of her mother, and that Sam must marry her. To save the Warham name the stern uncle compels the innocent Susan to marry a low-bred farmer. Start "The Story of Susan Lenox" today. It is but one of the many great features that make Hearst's Magazine command your attention. "We Three," by Gouverneur Morris; "Rainbow's End," by Rex Beach, and a Marie Corelli novel, her first to appear in serial form, both to start soon, and the best work of Robert W. Chambers, George Randolph Chester, Larry Evans, Arthur Stringer, Henry C. Rowland, Mr. Dooley, James Montgomery Flagg, Clarence Underwood, Howard Chandler Christy and many others.

These new companions were social outcasts—and pathetically poor. A thousand dollars meant a fortune to them. With money so scarce and so useful, little would they scruple how they got it. It would be natural for them to recognize in her the missing niece of George Warham.

Would they deliver her back to the life which now was but a hideous memory? Better death than further degradation at the hands of her drunken husband.

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